

the authorized bandwidth, the power of emissions shall be attenuated below the transmitter output power, as specified by the following equation, but in no case less than 31 dB:

$$A = 16 + 0.4 (D - 50) + 10 \log B \text{ (attenuation greater than 66 dB is not required)}$$

where  $A$  = attenuation (in decibels) below the maximum permitted output power level

$D$  = displacement of the center frequency of the measurement bandwidth from the center frequency of the authorized sub-band, expressed as a percentage of the authorized bandwidth  $B$

$B$  = authorized bandwidth in megahertz.

(2) *Narrowband forward link transmitters.* For LMS multilateration narrowband forward link transmitters operating in the 927.25-928 MHz frequency band the power of any emission shall be attenuated below the transmitter output power ( $P$ ) in accordance with following schedule:

On any frequency outside the authorized sub-band and removed from the edge of the authorized sub-band by a displacement frequency ( $f_d$  in kHz):

at least  $116 \log ((f_d + 10) / 6.1)$  dB or  $50 + 10 \log (P)$  dB or 70 dB, whichever is the lesser attenuation.

(3) *Other transmitters.* For all other transmitters authorized under Subpart M, the peak power of any emission shall be attenuated below the power of the highest emission contained within the authorized channel bandwidth in accordance with the following schedule:

(i) On any frequency within the authorized bandwidth: Zero dB;

(ii) On any frequency outside of the authorized bandwidth:  $55 + 10 \log(P)$  dB where ( $P$ ) is the highest emission (watts) of the transmitter inside the authorized bandwidth.

(4) The resolution bandwidth of the instrumentation used to measure the emission power shall be 100 kHz, except that, in regard to paragraph (2) of this section, a minimum spectrum analyzer resolution bandwidth of 300 Hz shall be used for measurement center frequencies within 1 MHz of the edge of the authorized subband. If a video filter is used, its bandwidth shall not be less than the resolution bandwidth.

(5) Emission power shall be measured in peak values.

4. Section 90.213 is amended by revising the entry for the 902-928 MHz band in the table in paragraph (a) to read as follows:

**§ 90.213 Frequency tolerance.**

(a) \* \* \*

**Frequency Tolerance**

Frequency range	Fixed and base stations		Mobile stations	
	Over 200W output power	200W or less output power	Over 2W output power	2W or less output power
* * * * *				
902-928 ..... <u>19/</u>	.00025	.00025	.00025	.00025

19/ Fixed non-multilateration transmitters operating within 40 kHz from the band edge, intermittently operated hand-held readers, and mobile transponders are not subject to frequency tolerance restrictions.

\* \* \* \* \*

5. Section 90.363 is amended by revising paragraph (d) as follows:

**§90.363 Grandfathering provisions for existing AVM Licensees.**

\* \* \* \* \*

(d) Multilateration AVM licensees for stations that were not constructed and placed in operation on or before February 3, 1995 must construct their LMS systems and place them in operation on the spectrum identified in their LMS system license on or before September 1, 1996, or their licenses will cancel automatically (see Section 90.155 (e)). Also, these licenses will cancel automatically on [insert date 60 days after publication in the Federal Register] unless timely modification applications are filed on or before this date (see paragraph (a)).

\* \* \* \* \*

**STATEMENT**  
**OF**  
**COMMISSIONER ANDREW C. BARRETT**  
**CONCURRING IN PART, DISSENTING IN PART**

**Re: Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, Order on Reconsideration [PR Docket No. 93-61]**

In this Order on Reconsideration, the Commission clarifies several issues that were raised in the LMS Report and Order.<sup>82</sup> While some of the issues addressed in this Order do not deal with technical concerns, I must dissent with respect to any Commission determinations concerning the spectrum band plan.

I dissented with respect to the LMS Report and Order. At that time, I advocated that the Commission take time to perform controlled testing prior to the adoption of permanent rules for a new band plan. In that way, I argued for greater assurance regarding potential interference for services in the 902-928 MHz band. Now, the Commission clarifies that multilateration service operators will not be permitted to file a complaint of interference with the Commission if Part 15 devices are operating within the "safe harbor" provisions. The Commission, among other things, modifies the emission mask specification and exempts non-multilateration systems from having to meet the frequency tolerance requirement. I renew my belief that without the benefit of controlled testing and despite these modifications the Commission's band plan could be seriously flawed.

Because of my prior dissatisfaction with the band plan and the fact that this Order attempts to clarify certain aspects of that plan without the testing that I had argued was necessary to create a satisfactory plan in the first instance, I am compelled to dissent in part to this action. I do, however, concur in the decision to extend the deadline by which grandfathered LMS systems must be constructed and operational and the extension of time allowing LMS providers to comply with the modified rules concerning type acceptance.

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<sup>82</sup>Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, Report and Order, PR Docket No. 93-61, 10 FCC Rcd 4695 (1995) ("LMS Report and Order").